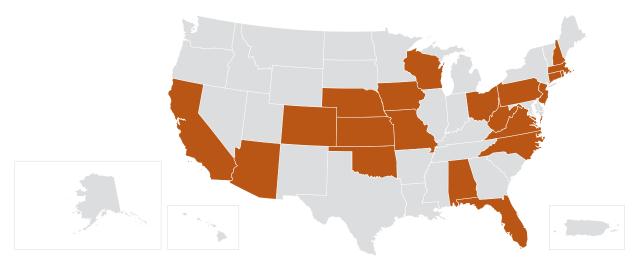
Elder Justice Policy Highlights

SEPTEMBER 2021 - FEBRUARY 2022

The elder justice legislation found in this document was elicited and finalized from the National Center on Elder Abuse and independent websites in February 2022. The biannual compilation is intended to reflect highlights across the nation and does not include all legislation related to elder justice. This document reflects activity in 21 states and one district and highlights at the federal level.



STATES

California

CALIFORNIA AB 636



Approved by the Governor on October 7, 2021, this measure makes changes regarding the sharing of information relevant to incidents of elder or dependent adult abuse. While existing law authorizes this type of information to be given to specified investigators, including investigators from an adult protective services agency, a local law enforcement agency, and the probate court, this measure authorizes it to also be given to a federal law enforcement agency charged with the investigation of elder or dependent adult abuse or to a local code enforcement agency for the sole purpose of investigating a property where the health and safety of an elder or dependent adult resident is at risk.

CALIFORNIA AB 790



Enacted on October 6, 2021, this legislation establishes that the Consumer Legal Remedies Act's prohibition on certain home solicitations of senior citizens applies to Property Assessed Clean Energy (PACE) assessments that are part of a pattern or practice in violation of PACE regulations.

North Carolina

NORTH CAROLINA SB 191



Approved by the Governor on October 15, 2021, the "No Patient Left Alone Act" ensures visitation rights for patients in most healthcare facilities during a declared disaster or emergency. It also requires the Department of Health and Human Services to assess a civil penalty for violations of those visitation rights.

Have questions or want to share some news or legislation with us?



EMAIL: ncea-info@aoa.hhs.gov



Q ONLINE: ncea.acl.gov

Pennsylvania

PENNSYLVANIA HB 1429



Approved by the Governor on June 30, 2021, this measure gives the Attorney General's office concurrent jurisdiction to investigate individuals who use their position of trust to financially exploit older adults and care-dependent people. It also establishes that financial exploitation of an older adult or care-dependent person constitutes a: (1) felony of the first degree if the amount involved is at least \$500,000 or the person participated in a course of conduct resulting in the loss of property of two or more older adults or care-dependent persons; (2) felony of the second degree if the amount involved is at least \$100,000 but less than \$500,000;

(3) felony of the third degree if the amount involved exceeds \$2,000 but is less than \$100,000; and/or (4) misdemeanor of the first degree if the offense does not fall under the descriptions above.

Wisconsin

WISCONSIN SB 395



Approved by the Governor on February 7, 2022, this legislation establishes that if an adult-at-risk agency has reason to believe that an adult at risk has been the subject of abuse, financial exploitation, neglect, or self-neglect, the adult-at-risk agency must respond by conducting an investigation to determine whether the adult at risk is in need of protective services or referring the report to another agency for investigation.

Keep on the Watch

NATIONAL

House

H.R.2739



Referred to the Subcommittee on Crime, Terrorism, and Homeland Security on October 19, 2021, the "SURVIVE Act" would establish a grant program through which the Department of Justice's Office for Victims of Crime must make grants for Indian tribes to provide programs and services to crime victims including elder abuse programs, domestic violence shelters, rape crisis centers, child abuse programs, child advocacy centers, medical care, legal services, relocation assistance, and transitional housing. The bill would make 5% of the Crime Victims Fund available for these grants.

H.R.5169



Introduced on September 3, 2021, the "Nursing Home Improvement and Accountability Act of 2021" would establish reporting, staffing, and other quality control requirements for Medicare skilled nursing facilities and Medicaid nursing facilities. The bill would require facilities to have registered professional nurses available 24-7 and to provide infection control services overseen by infection preventionists at least 40 hours per week. It also establishes civil penalties for facilities that submit inaccurate reports relating to staffing data and prohibits facilities from entering

into pre-dispute arbitration agreements. Additionally, the Centers for Medicare & Medicaid Services (CMS) would be required to conduct additional quality control and oversight, including: (1) auditing facility cost reports; (2) reviewing the quality and effectiveness of compliance surveys; and (3) establishing on-site educational programming for facilities that fail to meet applicable standards. The CMS would also ne required to establish minimum staff-to-resident ratios for nursing staff, as it determines appropriate. It would also establish a demonstration program to evaluate the impact of certain changes to facility design, staffing, and care coordination on the health outcomes of residents in skilled nursing facilities. Among other requirements, selected facilities would be required to serve between 5 and 14 residents, offer private rooms, and have resident and family councils.

H.R.5241



Introduced on September 10, 2021, the "Linking Seniors to Needed Legal Services Act of 2021" would amend title XX of the Social Security Act to provide grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social services and supports for vulnerable elders or in conjunction with authorized representatives of vulnerable elders, including linkages to legal services

and medical legal partnerships, and the development or expansion of legal hotlines. Each State receiving a grant would be required to submit biannual reports to the Secretary on the activities carried out and the Secretary would conduct an evaluation.

H.R.5376



Introduced on September 27, 2021, the "Build Back Better Act" would provide funding, establish programs, and otherwise modify provisions relating to a broad array of areas, including the reauthorization of funding for programs to prevent and investigate elder abuse, neglect, and exploitation. The measure was passed by the House on November 19, 2021 and a motion to reconsider was laid on the table on the same date.

Senate

S.2881



Introduced on September 28, 2021, the "Guardianship Accountability Act of 2021" would designate the Secretary of Health and Human Services to establish a National Resource Center on Guardianship to: (1) collect and publish information for use by individuals subject to guardianship, guardians, courts, State and local governments, and community organizations; (2) post model standards, best practices, and guidelines for the appointment and regulation of guardianship cases; (3) promote the use of less restrictive alternatives to quardianship, including supported decision making and the restoration of rights of individuals subject to guardianship; (4) annually compile and publish a summary of recently conducted research on guardianship systems and efforts to expand less restrictive alternatives; (5) collect data from States regarding the number of individuals subject to guardianship, the duration of guardianships, whether the type of authority granted to guardians, the amount of financial assets under quardianship; and the classification of the appointed guardian; (6) maintain a public, national database on State laws regarding guardianship and less restrictive alternatives to quardianship; (7) identify issues relating to guardianship and provide and publish annual recommendations to States and Congress to address identified problems; and (8) collect and analyze best practices relating to guardianship, and publish a report of such best practices. It would also create State databases to collect information about the number and characteristics of guardianship arrangements, quardians, individuals subject to quardianship, and individuals receiving supported decision-making services or other alternatives

to guardianship. The proposed legislation also includes the use of trained court visitors to improve court administration of guardianship arrangements, including the appointment and oversight of guardians and adoption of less restrictive alternatives to guardianship.

S. 3529



Introduced on January 20, 2022, the "Empowering States to Protect Seniors from Bad Actors Act" would establish a Senior Investor Protection Grant Program within the Securities & Exchange Commission (SEC) and authorize \$10 million annually for FY23 through FY28 to support state regulators on the front lines of protecting seniors from scammers and fraudsters. Under the Senior Investor Protection Grant Program, state securities and insurance regulators would be eligible to receive the grants (with awards capped at \$500,000) to fund additional personnel and technology to support the investigation and prosecution of senior financial fraud, as well as conduct outreach to educate older Americans and increase their awareness of scams.

S.3697



Introduced on February 17, 2022, the "Combating Money Laundering, Terrorist Financing, and Counterfeiting Act of 2022" would improve the prohibitions on money laundering by increasing fines and penalties, making technical changes, and making other amendments to current law as specified in the legislation.

STATES

Alabama

ALABAMA HB 105



Passed by the House on February 9, 2022, this measure would establish a registry for individuals convicted of certain crimes or found to have committed certain acts of abuse against certain individuals. It would also require certain care providers to query the registry for employees and prospective employees.

ALABAMA HB 372



Introduced on February 16, 2022, this bill would further provide for the crime of elder abuse and neglect in the first degree to include the sexual abuse of an elderly person and to include humiliation in the definition of emotional abuse.

ARIZONA SB 1445



Introduced on January 27, 2022, this measure would expand the definitions of endangered and abuse relating to child or vulnerable adult abuse to include a child or vulnerable adult who is involved, either voluntarily or involuntarily, in the smuggling of human beings.

ARIZONA HB 2386



Introduced on January 24, 2022, this bill would require the Department of Health Services and the Department of Economic Security to develop an elder abuse education and training curriculum for all persons who are employed in a capacity of caring for vulnerable adults. The training would include: (1) the signs of neglect and abuse; (2) the responsibilities of persons to report suspected neglect or abuse; (3) whom to contact to report the suspected neglect or abuse; (4) a component that can be provided to families of vulnerable adults. The departments would consult with certain organizations as specified in the legislation, to develop the curriculum. Healthcare institution licensed pursuant to this chapter, group homes and intermediate care facilities for individuals with intellectual disabilities would be required to provide this education and training. Employees of health care institutions, group homes, or intermediate care facilities that provide care to vulnerable adults would be required to complete the education and training before beginning employment and would update their training on an annual basis. Additionally, each of the settings specified in the legislation would be required to post information in their facilities regarding how to report suspected neglect or abuse and adopt a policy that prohibits retaliatory action against persons who in good faith reported suspected neglect or abuse.

ARIZONA HB 2397



Passed by the House on February 17, 2022, this measure would expand the definition of abuse to include emotional abuse and defines emotional abuse as: a pattern of ridiculing or demeaning a vulnerable adult, making derogatory remarks to a vulnerable adult, verbally harassing a vulnerable adult or threatening to inflict physical or emotional harm on a vulnerable adult. The second reading for the bill in the Senate was held on February 22, 2022.

ARIZONA HB 2393



Passed by the House on February 24, 2022, this bill would appropriate \$300,000 to the Office of the Auditor General to engage an independent consultant with expertise in Adult Protective Services (APS) operations and investigations to examine APS and consider best practices to improve the delivery of services in this state, including the following: (a) developing a strategic direction that ensures the safety of vulnerable adults and establishes protocols for services after an investigation; (b) creating accountability mechanisms, including the capacity to produce accurate data on performance and outcome measures, use of the data for performance management, processes for continuous quality review, mechanisms for qualitative review of system functioning and outcomes for vulnerable adults; (c) strategies for community engagement, including engagement with families, vulnerable adults and service providers; and (d) the need for and frequency of regular, periodic performance evaluations and the recommended areas for future reviews of APS by an independent outside evaluator. The bill was transmitted to the Senate on February 25, 2022.

California

CALIFORNIA SB 975



Introduced on February 10, 2022, this measure aims to recognize the types of elder abuse cases in which family members and other trusted individuals use their powerful positions to take out debts through coercion or fraud. The measure would create a right of action that would allow an alleged debtor to bring an action or a claim against an alleged creditor to establish that the alleged creditor's claim arises from a coerced debt, as specified in the legislation. If an alleged debtor establishes that a claim arises from a coerced debt, the bill would entitle that alleged debtor to specified relief, including an injunction restraining the creditor from holding or attempting to hold the alleged debtor personally liable on the claim, or from enforcing a judgment related to the claim. The measure was referred to the Senate Judiciary and Appropriations committees February 23, 2022.

CALIFORNIA AB 1809



Introduced on February 7, 2022, this measure would expand written policies regarding the right of patients of skilled nursing facilities and intermediate care facilities by adding the right of every resident

to receive all information that is material to an individual's decision concerning whether to accept or refuse any proposed treatment or procedure, including information relating to the administration of psychotherapeutic drugs, as specified. This bill would also add the right to be free from psychotherapeutic drugs used for the purpose of resident discipline, convenience, or chemical restraint, except in an emergency that threatens to cause immediate injury to the resident or others. This bill would make the resident's physician responsible for disclosing the material information relating to psychotherapeutic drugs to the resident and obtaining their informed consent. It would also declare prescription or administration of psychotherapeutic drugs without informed consent as battery. It would also require the State Department of Public Health to inspect for compliance with this requirement during prescribed inspections. The measure was referred to the Assembly Health and Judiciary committees on February 18, 2022.

Colorado

COLORADO HB 22-1271



Introduced on February 25, 2022, this bill would require a guardian to notify one or more of the protected person's close family members and any person designated by the protected person within 7 days when the protected person changes place of residence, resides at a location other than the protected person's residence for more than 48 hours, is admitted to a medical facility for acute care or emergency care, or dies. The guardian, in conjunction with the protected person and any close family members, would be required to develop an initial care plan, which would include why the guardianship is necessary, any necessary restrictions placed on visitation or access to reporting, how the protected person's finances will be handled, and how the protected person and close family members can obtain answers to questions that arise.

Connecticut

CONNECTICUT SB 172



Introduced on February 23, 2022, this measure aims to strengthen criminal penalties for abuse, abandonment and financial exploitation of elderly persons, persons with disabilities or conserved persons. The bill would make changes to the wording of existing law regarding property theft of adults age 60 and older, a person with intellectual disability,

physically disabled or diagnosed with a mental disability; it would change "embezzlement, false pretenses or false promise" to "financial exploitation", add a definition for financial exploitation, change terminology on people with disabilities, and add "mental anguish" to the definition of abuse of the elderly. A public hearing on the bill was scheduled for March 3, 2022.

CONNECTICUT SB 196



Introduced on February 24, 2022, this bill would provide that no resident shall be involuntarily transferred or discharged from a facility to a homeless shelter or to a temporary or unstable housing situation. A public hearing is scheduled for March 1, 2022.

District of Columbia

District of Columbia B24-0658



Introduced on February 9, 2022, the "Consumer Protection Procedures Amendment Act of 2022" would provide enhanced remedies to secure compliance, to clarify certain statutes relating to financial exploitation of vulnerable adults and the elderly, and prohibit unfair, deceptive, or misleading practices in charitable solicitations. A notice of intent to act on this measure was published in the District of Columbia register on February 18, 2022.

Florida

FLORIDA SB 1424



Filed on January 4, 2022, this measure would establish that in the process of collecting consumer debts, no person shall contact a debtor regarding a debt that arises from documented elder and economic abuse. The prohibition under this subsection applies for two years after the affidavit is provided to the person. However, if the perpetrator has been convicted of a crime relating to elder abuse arising from conduct referenced in the police report, the prohibition applies indefinitely.

FLORIDA CS/CS/SB 988



Filed on November 18, 2021, this measure would establish the "No Patient Left Alone Act." The act would do the following: (1) require long-term care providers, hospitals, and hospice facilities to develop and establish visitation policies and procedures, make them easily accessible from the

home page of their websites within a specified time, and submit them to the Agency for Health Care Administration (AHCA) when applying for initial licensure, licensure renewal, or change of ownership, and make them available for review upon request at any time; (2) provide requirements for visitation policies and procedures; (3) authorize long-term care providers to require visitors to sign and certify that they will follow the policies and procedures and to suspend in-person visitation of specific visitors, with exceptions, under certain circumstances; (4) require the AHCA to dedicate a stand-alone page on its website to explain long-term care provider visitation rights authorized under this Act and provide a portal and phone number for individuals to report violations. The Act would prevail over any conflicting or inconsistent provisions of state law. The Senate Appropriations Committee voted favorably on the measure on February 28, 2022.

FLORIDA CS/CS/HB 1243



Filed on January 6, 2022, this bill would create public record and public meeting exemptions related to elder abuse fatality review teams (EA-FRT). It provides that any information obtained by an EA-FRT for the purposes of conducting a case review that is confidential or exempt from public records requirements would remain confidential or exempt when held by an EA-FRT. The bill would also create a public record exemption for information contained in a record held by an EA-FRT that reveals: (1) the identity of an elder abuse victim and the address or location of the victim's residence; (2) the identity of a person providing direct care to the victim and the address or location of such person's residence; and (3) the identity of any person reporting abuse, neglect, or exploitation to the central abuse hotline. The bill would create a public meeting exemption for portions of an EA-FRT meeting during which the confidential or exempt information is discussed. The first reading of the measure took place on February 4, 2022.

lowa

IOWA HF 2205



Introduced on February 2, 2022, "Evelyn's Law" would authorize electronic monitoring in nursing facilities, including the portion of the lowa veterans home licensed as a nursing facility. It would provide that a nursing facility resident or a resident representative may conduct electronic monitoring of the resident's room through the use of electronic monitoring devices placed in the resident's room.

The bill specifies the consents that must be obtained for a resident to conduct electronic monitoring in the resident's room, including from any roommate. It also specifies the process to be followed if a roommate refuses to consent, the provision of notice to the nursing facility, the notification and consent form requirements, the responsibility for the cost and installation relating to the electronic monitoring, penalties for obstruction of electronic monitoring devices, the dissemination of recordings created through electronic monitoring, the admissibility of evidence created through electronic monitoring liability, penalties for violations of the bill, resident protections, and reporting requirements.

Kansas

KANSAS HB 2489



Introduced on January 18, 2022, this measure would make several amendments to the Technology-enabled Fiduciary Financial Institutions (TEFFI) Act including the addition of TEFFIs to the list of financial institutions that must report evidence of elder abuse. The measure passed the House on February 16, 2022.

Massachusetts

MASSACHUSETTS S.124



This measure concerns supported decision-making agreements for adults with disabilities. It would establish that an adult who seeks to execute, or has executed, a supported decision-making agreement may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement with a supporter or supporters. The adult would be allowed to change or terminate a supported decisionmaking agreement at any time. The supported decision-making agreement would remain in effect until revoked, suspended, or terminated. This bill would also require the executive office of health and human services to establish a training program on supported decision-making. On January 27, 2022, the reporting date for the measure was extended to Monday May 2, 2022, pending concurrence.

MASSACHUSETTS S.416



This bill would authorize the attorney general to file a civil action against a person who commits abuse, mistreatment or neglect of a patient or resident or who misappropriates patient or resident property, or against a person who wantonly or recklessly permits or causes another to commit abuse, mistreatment or neglect of a patient or resident or who misappropriates patient or resident property. The civil penalty for such abuse, mistreatment, neglect or misappropriation shall not exceed: \$25,000 if no bodily injury results; \$50,000 if bodily injury results; \$100,000 if sexual assault or serious bodily injury results; and \$250,000 if death results. The attorney general would be allowed to file a civil action within four years next after an offense is committed. On February 3, 2022, the reporting date extended to Monday May 16, 2022, pending concurrence.

MASSACHUSETTS S.431



This bill concerns family visitation with vulnerable adults. It would provide that if a family caregiver unreasonably prevents a family member from visiting the frail elderly individual, the court, upon a verified petition by the family member, may order the family caregiver to permit such visitation as the court deems reasonable and appropriate under the circumstances. The court would consider: (1) the nature and extent of the frail elderly individual's functional impairment; (2) the frail elderly individual's previously expressed preferences in regard to visitation with the petitioner; (3) the history of visitation between the frail elderly individual and the petitioner; (4) the opinions of any family members and the family caregiver with respect to visitation between the petitioner and the frail elderly individual; and any other area of inquiry deemed appropriate by the court. The bill would also establish that the court shall not allow visitation if the court finds that: (i) the frail elderly individual has capacity to evaluate and communicate decisions regarding visitation and expresses a desire to not have visitation with the petitioner; or (ii) visitation between the petitioner and the frail elderly individual is not in the best interests of the frail elderly individual. It would also authorize the court to appoint a guardian ad litem for the frail elderly individual if it determines such appointment to be in the frail elderly individual's best interests. The measure accompanied a study order (S2650) on February 3, 2022.

MASSACHUSETTS H.744



This measure would require the Massachusetts General Court to initiate a commission to study and draft policies to combat the financial abuse of elders. The commission would study: (1) the economic impact and mechanisms of financial abuse on those over age 60; (2) the lending and refinancing practices of companies who target customers

above the age of 60; (3) exploitative transfers of real estate or other valuable property from dependent elders to fiduciaries for significantly less than market value; (4) fraudulent or deceptive schemes that target elderly persons through telemarketing, the internet, or other means; and; (5) any other form of elder financial abuse. The commission would file a report of policy recommendations to protect elders from financial abuse. On January 20, 2022, the Joint Committee on Rules recommended passage of the bill and it was referred to the House Committee on Ways and Means.

MASSACHUSETTS H.4462



Introduced and reported favorably by the House committee on Children, Families and Persons with Disabilities on February 22, 2022, this measure would authorize a broker-dealer, investment adviser or other qualified individual (as specified in the legislation) to notify a specified third party if the person reasonably suspects financial exploitation of a person 60 years of age or older or a disabled person. The measure would provide immunity for the qualified individual if they were acting in good faith. It would also authorize a broker-dealer or investment adviser to delay a transaction or a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the individual suspects financial exploitation, and would provide immunity if the individual was acting in good faith.

Missouri

MISSOURI SB 748



Filed on December 1, 2021, this bill would provide a process for a person subject to a conservatorship, a person subject to a guardianship, or a concerned person, as defined in the act, to file a grievance with the court when there is reasonable belief that the guardian or conservator is breaching their duty or acting in a manner inconsistent with the law on guardianship or conservatorship. The court would review the grievance and would be allowed to take any action supported by evidence, including requiring information from the guardian or conservator, appointment of a guardian or conservator ad litem, appointment of an attorney for the person subject to a conservatorship or guardianship, or holding a hearing. The bill was read for the second time in the Senate and referred to the Senate Judiciary Committee and Civil and Criminal Jurisprudence Committee on January 13, 2022.

MISSOURI SB 1083



Introduced on January 24, 2022, this measure would create the Abuse of Children and Vulnerable Adults Division within the office of the Attorney General, establishing that assistant attorney generals assigned to such division shall only participate in the prosecution of actions alleging a violation of child abuse, abuse of a vulnerable person, or human trafficking. It also includes provisions on jurisdiction of the attorney general for trafficking offenses.

Nebraska

NEBRASKA LB 707



Introduced on January 5, 2022, this bill would establish that when a financial institution, or an employee of a financial institution reasonably suspects financial exploitation of a vulnerable adult or senior adult, the financial institution or employee may: (a) delay or refuse a transaction with or involving the vulnerable adult; (b) delay or refuse to permit the withdrawal or disbursement of funds contained in the vulnerable adult's account; (c) prevent a change in ownership of the vulnerable adult's account; (d) prevent a transfer of funds from the vulnerable adult's account to an account owned wholly or partially by another person; (e) refuse to comply with instructions given to the financial institution by an agent or a person acting for or with an agent under a power of attorney signed or purported to have been signed by the vulnerable adult or senior adult; (f) prevent the designation or change the designation of beneficiaries to receive any property, benefit, or contract rights for a vulnerable adult at death. A financial institution would be able to notify any third party reasonably associated with a vulnerable adult. The measure would also amend provisions relating to banks, financial institutions, bank subsidiaries, residential mortgage loans, securities. money transmitters, commodities, digital asset depository institutions, credit unions, transactions involving franchises, consumer rental purchase agreements, and funds transfers.

New Hampshire

NEW HAMPSHIRE SB 385-FN



Introduced on January 5, 2022, this bill would allow a financial institution or representative (as detailed in the legislation), to delay a disbursement from an account of an adult age 65 or older or a vulnerable adult or an account on which an eligible adult is a beneficiary, if the financial institution or

representative suspects financial exploitation. The measure provides immunity for financial institutions. Financial institutions would send a written notice to the Department of Health and Human Services and a copy would be sent to the Banking Department when a hold has been placed on a disbursement. By October 1, 2022, the department of health and human services, in consultation with the commissioner and the attorney general, would be required to provide a report to the chair of specified committees and the governor, that identifies the number of reports received as well as a recommendation regarding whether financial exploitation may be further reduced by extending the authority granted under RSA 383-A:5-511-a, VI to include the department of health and human services. The measure was amended and passed by the Senate on February 16, 2022.

New Jersey

NEW JERSEY A750



Introduced on January 11, 2022, this bill would create the new offense of theft by financial exploitation of vulnerable person. Under the bill, an actor commits this offense when, being in a position of trust in relation to a senior citizen or a person with a disability, he commits a theft offense against that person. The bill makes further amendments by defining a senior citizen as a person 62 years of age or older. The bill provides that theft by financial exploitation of a vulnerable person shall be graded as a crime of the fourth degree if the underlying offense is a disorderly persons offense or petty disorderly persons offense. Otherwise, it is a crime one degree higher than the most serious underlying theft offense.

NEW JERSEY A2280



Introduced on February 7, 2022, this measure would clarify that the "Prevention of Domestic Violence Act of 1991" covers various forms of physical and non-physical elder abuse in domestic settings. The bill updates the findings and declarations to expressly reference elder abuse by current or former household members in its many possible forms (emotional, psychological, and physical [domestic] violence) against the elderly. It also updates the existing definition of "victim of domestic violence" under the act, which currently covers "any person who is 18 years of age or older," to expressly include a reference to an elderly person in a domestic setting, who is not otherwise protected as an institutionalized elderly person in a public or private facility or institution.

Ohio

OHIO HB 419



Introduced on September 14, 2021, this bill would make a mandatory reporter of adult abuse, neglect, or exploitation who knowingly fails to make such a report, guilty of a fourth degree misdemeanor. Under current law, a mandatory reporter's failure to make a report is punishable with a fine of up to \$500. For a fourth degree misdemeanor, penalties may include any sanctions, or a combination of sanctions, provided for misdemeanors under Ohio's Criminal Code, including a jail term of not more than 30 days or a fine of not more than \$250. The bill was referred to the House Criminal Justice Committee on September 21, 2021.

Oklahoma

OKLAHOMA SB 1163



Introduced on February 7, 2022, this bill would authorize each district attorney to develop a multidisciplinary team for the investigation and prosecution of crimes committed against the elderly or vulnerable adults in coordination with the District Attorneys Council. The team would be comprised of a mental health professional, law enforcement agents experienced with or trained in elder and vulnerable adult abuse and neglect investigation, medical personnel with relevant experience, coordinators, the district attorney, as well as Adult Protective Services, Office of Client Advocacy, and long-term care workers within the Department of Human Services. The team would conduct joint investigations, develop a written protocol for investigations relating to elderly persons or vulnerable adults, collaborate with professionals responsible for the reporting and investigation of such abuse, eliminate duplicative efforts, identify gaps in service, develop expertise through training, and standardize investigative practices. The Senate Judiciary Committee voted favorably on the bill on February 8. 2022.

Pennsylvania

PENNSYLVANIA HB 624



Passed by the House on January 25, 2022, this measure would require the Attorney General to establish ongoing communication with the Department of Aging in order to ensure that

consumers 60 years of age and older have access to information regarding the prevention of financial exploitation. The Attorney General would coordinate with the Secretary of Aging to determine the most effective and efficient manner in which information shall be shared, while ensuring strict adherence to rules of confidentiality. The sharing of information would exclude any documents deemed privileged or confidential.

PENNSYLVANIA HB 996



The "Religious Liberty in Long-Term Care Facilities Act" would require the Department of Health of the Commonwealth, in consultation with the Department of Human Services, to establish protocols to allow a resident or an individual with decision-making authority for the resident to request visitation by a member of the clergy during a declaration of disaster emergency. A member of the clergy would be required to meet the necessary qualifications to enter the long-term care facility to provide in-person physical or emotional support to a resident of a long-term care facility on a voluntary basis and in accordance with the protocols established in the act. The bill was passed by the House on May 26, 2021 and the measure underwent a second consideration in the Senate on February 7, 2022.

Rhode Island

RHODE ISLAND SB 2228



Introduced on February 8, 2022, this bill would change the definition of "elder person" for purposes of exploitation of elders from a person 65 years of age or older to a person 60 years of age or older.

RHODE ISLAND HB 6611



Introduced on January 6, 2022, this act would require patient contact employees, personal care attendants and high-risk providers to undergo a national criminal records check and would disqualify those people from such employment if they have a criminal record for crimes of violence or other offenses listed. This would include Medicaid providers and any person seeking employment to provide care to elderly or individuals with disabilities who is, or may be required to be, licensed, registered, trained or certified with the office of Medicaid, if that employment involves routine contact with elderly or individuals with disabilities without the presence of other employees.

Virginia

VIRGINIA HB 95



Passed by the House on February 7, 2022, this measure would require financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services and to make any financial records or information relevant to such investigation available to the local department upon request. Under this bill, financial institutions would also be able to voluntarily report information relevant to an adult protective services investigation to the local department of social services or to a court-appointed guardian ad litem for the adult under investigation. The Senate Commerce and Labor Committee voted favorably on the bill and proposed an amendment on February 28, 2022.

VIRGINIA SB 124



Passed by the Senate (February 1, 2022) and the House (February 24, 2022), this bill would make it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. It would also provide that the agent's authority terminates upon such conviction. The measure is awaiting the Governor's signature.

West Virginia

WEST VIRGINIA HB 4297



Passed by the House on February 10, 2022, this measure would facilitate the sharing of information between the Department of Health and Human Resources and the State Auditor's office in order to investigate reports of financial abuse and neglect of a vulnerable adult.

Legislation Tracked in Specific Topic Areas

Guardianship: American Bar Association, Commission on Law and Aging

Independent Financial Advisors and Firms: The Financial Services Institute (FSI) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

Financial Exploitation: National Conference of State Legislatures



Keck School of Medicine of USC

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